

THIS DISPOSITION IS
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OF THE TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

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Mailed: November 30, 2004

Cancellation No. 92042511

Tanning Research Laboratories,
Inc.

v.

Johnson & Johnson Corporation

Before Simms, Seeherman and Walters, Administrative
Trademark Judges.

By the Board.

On August 27, 2004, we granted petitioner's motion
(filed January 28, 2004) for summary judgment on the
question of abandonment. Because petitioner had not
submitted evidence of its standing with its motion for
summary judgment, we also allowed petitioner time to file
evidence in support of its standing.¹

On September 16, 2004, petitioner filed a copy of the
Office Action, issued on August 7, 2003, refusing
registration of petitioner's application for the trademark

¹ We noted that petitioner may submit as evidence of its
standing, a copy of the Office Action which refuses registration
of its application on the basis of the registrations which are
the subject of the present proceeding. (This proceeding involves
two registrations, i.e., Registration Nos. 1,081,467 and
1,523,104.)

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SUNDOWN, based on respondent's Registration Nos. 1,081,467 and 1,523,104; and the notice of suspension, issued on October 24, 2003, suspending proceedings in petitioner's application pending outcome of this cancellation proceeding.

In view of the evidence submitted by petitioner on the question of its standing, summary judgment is entered in favor of petitioner on its standing, and petitioner's motion for summary judgment and the petition to cancel both are granted. Judgment is entered against respondent, and Registration Nos. 1,081,467 and 1,523,104 will be cancelled in due course. See Fed. R. Civ. P. 56(c).

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